

## **REMARKS**

Reconsideration and withdrawal of the rejections of the application respectfully requested in view of the remarks and enclosures herewith, which place the application in condition for allowance.

### **I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 8-9 are pending in this application.

Claim 8 has been amended. SEQ ID NOS:2, 6 and 15 correspond to the protein fragments encoded by the nucleotides previously recited in claim 8. Support is found claim 3 as originally filed. No new matter has been added by this amendment.

The Examiner is thanked for withdrawing the objection to claims 8 and 9 and the rejection of claims 8 and 9 under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 102(b).

It is submitted that the claims as originally presented were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as previously presented, were not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions were made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. THE OATH/DECLARATION IS NOT DEFECTIVE**

The Office Action alleges that the oath or declaration is defective because non-initialized and/or non-dated alternations have allegedly been made to the oath or declaration.

In response, Applicants have executed a new oath or declaration.

Accordingly, the oath or declaration is no longer defective.

### **III. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 112 ARE OVERCOME**

Claims 8 and 9 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to set forth the subject matter which Applicants regard as their invention. Specifically, the claims are allegedly unsearchable because the positions of the nucleic acids encoding the protein fragments allegedly do not match up with the nucleic acids.

To expedite prosecution, claim 8 has been clarified by reciting SEQ ID NOS:2, 6 and 15, which are the amino acid sequences of the protein fragments of claim 8.

Reconsideration and withdrawal of the claim rejections is respectfully requested.

**REQUEST FOR INTERVIEW**

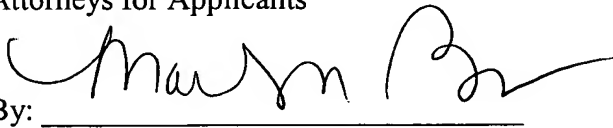
If any issue remains as an impediment to allowance, a further interview with the Examiner and SPE are respectfully requested; and, the Office Action is additionally requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

**CONCLUSION**

In view of the remarks, amendments and Exhibits submitted herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: 

Marilyn M. Brogan  
Reg. No. 31,223  
Deborah L. Lu  
Reg. No. 50,940  
Tel. (212) 588-0800  
Fax (212) 588-0500